

REMARKS

Amendments to the Claims

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. The claimed invention maintains a head pointer identifying a logical beginning of a digital selection, sets a content counter to the head pointer of the selection, and advances the counter through the selection during a rendering session.

New claims 72-78 have been added. No new matter has been added as a result of these amendments.

Rejections under 35 U.S.C. § 102(b)

Claims 65-67

Claims 65-67 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hooper. Applicant respectfully submits that Hooper does not disclose each and every element of the invention as claimed in claims 65-67.

Hooper discloses transmitting and storing a segment of a selected video in a memory buffer. The memory buffer includes a write pointer and a read pointer, which indicate locations for writing and reading video data of the selected video to and from the memory buffer.

In contrast, Applicant claims a content counter, such that the content counter is initially set to the head pointer of the corresponding digital selection and advances through the corresponding digital selection in memory during a rendering session. Hooper does not disclose such a content counter.

Accordingly, Applicant respectfully submits that the invention as claimed in claims 65-67 is not anticipated by Hooper and respectfully requests the withdrawal of the rejection.

Claims 32, 34, 68 and 69

Claims 32 and 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fernandez. Applicant respectfully submits that Fernandez does not teach each and every element of the invention as claimed.

Fernandez discloses storing data on a CD ROM and transmitting the data to a RAM situated on a CD Book device for user viewing. The data on the RAM is updated

when the last page of a book selection is reached by transmitting a page number request either via a user entering a request for a specific page number or the CD book transmitting a similar request.

In contrast, with respect to claims 32 and 34, Applicant claims storing a most-recent episode of a series of digital content published at a first time in a playback device, such that the episode is no greater than a predetermined playback time. Fernandez' transmission of a page number request cannot be equivalent to storing a most-recent episode of a series of digital content published at a first time in a playback device, such that the episode is no greater than a predetermined playback time as claimed.

Furthermore, updating content when last page of the book is reached, as disclosed by Fernandez, is not equivalent to automatically storing data from a second content file in the first portion of memory designated for storage of data of the first content file when at least a part of data from the first content file stored in the first portion of memory is consumed as claimed in claim 68.

Accordingly, Applicant respectfully submits that claims 32, and 68 and associated claims 34 and 69 are not anticipated by Fernandez under 35 U.S.C. § 102(b) and respectfully requests the withdrawal of the rejection of the claims.

Rejections under 35 U.S.C. § 103

Claim 33, 40-64 and 70

Claims 33, 40-64 and 70 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fernandez.

Fernandez discloses replacing a selection on the CD book when the last page is reached, or when the user enters a specific page number that the user wants to skip to. Fernandez does not disclose selecting subsets of multiple titles of media content to automatically update consumed media content according to a user's predetermined specifications as claimed.

Furthermore, the Office Action has provided inadequate motivation to Fernandez with the alleged knowledge in the art under 35 USC § 103. The motivational reason given was "to enable the user to customize the retrieval of subsequent contents to meet his preference." (Office Action 12/23/04, p. 6). The office action cites no hints or

suggestions in Fernandez that actually suggests this result. Fernandez makes no suggestion that the content on the CD book device can be updated according to a user's predetermined specifications when consumed.

Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claims 40-64 and 70 is not rendered obvious by Fernandez, and respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

Claims 35-39

Claims 35-39 stand rejected under 35 U.S.C. § 103(a) as being obvious over Munyan (US Pat. No. 5,761,485) in view of Mighdoll (US Pat. No. 5,918,013) and Belove (US Pat. No. 5,491,820). Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 35-39.

Munyan discloses an E-book device that connects to an online store of digital content.

Mighdoll discloses a WebTV network, in which a number of WebTV clients have a connection to a WebTV server either directly or through the Internet. The WebTV server acts as a proxy in providing the WebTV client with access to the Web and other WebTV services. The server includes a proxy cache used for temporary storage of web documents, images, and other information, which is frequently used by either the WebTV client or the server.

Belove discloses storage and transmission of retrievable items in a client-server computer environment. Special processing modules manage retrieval and permanent storage, on client computers, of requested objects. The user enters a "subscription" in connection with items related to hierarchically inferior items to specify the amount of information the user desires to download and store locally with respect to a specified hierarchical depth level.

In contrast, Applicant claims a data retrieval device, a server device and a playback device. Munyan discusses an E-book device and an online store and does not teach or suggest a data retrieval device. Mighdoll discusses a server and a WebTV client, but its proxy cache cannot be equivalent to the data retrieval device, since the proxy cache does not retrieve data from the WebTV server; rather it stores retrieved data. Belove

discusses a server and a client, and does not teach or suggest a data retrieval device and a playback device as claimed.

As none of Munyan, Mighdoll and Belove teaches or suggests a data retrieval device coupled with the server device as claimed, the combination cannot render obvious Applicant's invention as claimed in claims 35-39. Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

New Claims

New claims 72-78 have been added. Applicant respectfully submits claims 72-78 are allowable for at least the reasons set forth above for claims 65-67.

SUMMARY

Claims 32-70, 72-78 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

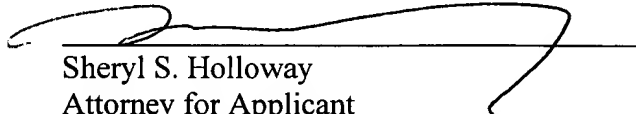
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

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Sheryl S. Holloway
Attorney for Applicant
Registration No. 37,850

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300 x309